

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>CYNTHIA G. WEIR-SPENCER,</b>	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 10-CV-800-FHM</b>
	)	
<b>MICHAEL J. ASTRUE,</b>	)	
<b>Commissioner of the</b>	)	
<b>Social Security Administration,</b>	)	
<b>DEFENDANT.</b>	)	

**OPINION AND ORDER**

On March 28, 2012, this Court reversed the decision of the Commissioner and remanded this case for further administrative proceedings [Dkt. 22]. No appeal was taken from this Judgment and the same is now final [Dkt. 23].

Pursuant to Plaintiff's Motion for Attorneys' Fees [Dkt. 24] under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the parties have agreed that an award in the amount of \$5,277.00 for attorney fees for all work performed in this case is appropriate.

WHEREFORE, IT IS ORDERED that Plaintiff be awarded EAJA attorney fees in the amount of \$5,277.00 payable to Plaintiff in care of her counsel. If Plaintiff's counsel also receives attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SO ORDERED this 16th day of July, 2012.

  
**FRANK H. McCARTHY**  
**UNITED STATES MAGISTRATE JUDGE**